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KEYBANK NATIONAL ASSOCIATION

6 **UNITED STATES DISTRICT COURT**

7 **CLARK COUNTY, NEVADA**

8 KEYBANK NATIONAL ASSOCIATION,

9 Plaintiff,

10 vs.

11 FRANK NIELSEN, an individual; ROBERT H.
12 SCHULMAN, an individual; LAWRENCE J.
WINNERMAN, an individual; SANFORD B.
13 WINNERMAN, an individual; and WW
CENTENNIAL HILLS, LLC, a Delaware
14 limited liability company,

15 Defendant.

16 AND ALL RELATED CLAIMS.

Case No.: 2:10-cv-00352-PMP-LRL

17 **STIPULATION AND ORDER TO
EXTEND DISCOVERY CUTOFF AND
DISCOVERY DEADLINES
(Second Request)**

18 Plaintiff/Counterdefendant KeyBank National Association (“Plaintiff”) by and through its
19 undersigned counsel, David W. Dachelet, Esq. of the law office of Fennemore Craig, P.C., and
20 Defendants/Counterclaimants, Frank Nielsen, Robert H. Schulman, Lawrence J. Winnerman,
21 Sanford B. Winnerman, and WW Centennial Hills, LLC (collectively referred to as “Defendants”
22 and with Plaintiff referred to as the “Parties”), by and through their undersigned counsel, William
23 R. Urga, Esq. and Mindy C. Fisher of the law office of Jolley Urga Wirth Woodbury & Standish,
24 hereby stipulate and agree as follows:

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1 **IT IS HEREBY STIPULATED AND AGREED** that certain discovery deadlines should
 2 be extended in order to allow the parties to complete adequate discovery in the above-captioned
 3 matter. The parties further stipulate and agree as to the following information required by LR 26-
 4:

5 (a) The Discovery Completed to Date: To-date, the Parties have acted diligently in
 6 making their disclosures under Fed. R. Civ. P. 26(a)(1). Additionally, Defendants have served
 7 and Plaintiff has responded to written discovery requests in the form of Requests for Production
 8 of Documents and Interrogatories. Furthermore, the Parties have made their initial and rebuttal
 9 expert disclosures pursuant to Fed R. Civ. P. 26(a)(2). Recently, following an extensive search
 10 of its electronic records, Plaintiff has provided its undersigned counsel with nearly 12GB of
 11 electronic data, estimated at approximately 20,000 documents (the actual number of documents
 12 and pages of documentation is currently unknown) which must be reviewed for relevancy, bates
 13 stamped, a privilege log prepared, if necessary, and produced in this case. Such documentation
 14 will undoubtedly also be responsive to the written discovery already propounded by Defendants
 15 and, as such, Plaintiffs' responses to such written discovery will need to be supplemented.
 16 Furthermore, counsel for the Parties have expressed a desire to conduct depositions in this case.
 17 The Parties would like to have an opportunity to produce and review all relevant documents
 18 before conducting depositions in this case. Given the volume of documentation to be produced
 19 and the intervening holiday season, however, the Parties agree that they are unable to do so in the
 20 time currently remaining for discovery.

21 (b) The Discovery To Be Completed: The Parties anticipate they will further
 22 supplement their production of documents pursuant to Fed. R. Civ. P. 26(a)(1), may exchange
 23 further written discovery, and will conduct the depositions of the parties and identified experts.

24 (c) Reason for Delay: As indicated above, Plaintiff has provided its counsel with a
 25 very large volume of data to review and produce in this case. Such documentation may also be
 26 responsive to written discovery already propounded by Defendants and, as such, Plaintiffs'
 27 responses will need to be supplemented. Although the parties recently entered a stipulation for a
 28 short, one-week extension of discovery, the sheer volume of the electronic data provided to its

1 counsel was not yet apparent. Moreover, there has been some difficulty in converting the data
2 provided by Plaintiff to its counsel into a format that can be easily reviewed and produced.
3 Counsel for Plaintiff anticipates receiving the data in a reviewable format in the next week. Once
4 it is received, counsel for Plaintiff requires additional time to review, organize, and prepare such
5 data for production. As this Court may be able to imagine, reviewing somewhere in the
6 neighborhood of 20,000 documents will take a fair amount of time. Furthermore, such
7 documentation will need to be reviewed prior to conducting depositions in this case.
8 Accordingly, the Parties require a second extension of discovery to produce all relevant
9 documents, review all produced documents, exchange further written discovery if necessary, and
10 conduct depositions in this case.

11 (d) Proposed Schedule for Completing all Remaining Discovery: The Parties submit
12 that in light of the above, good cause exists to extend the discovery in this case as follows:

13	Rebuttal Expert Disclosure	CLOSED
14	Discovery Cut-Off	February 18, 2011 (currently December 13, 2010)
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1 Last Day to File Dispositive Motions

2 **March 21, 2011**
(currently January 12, 2011)

3 Deadline to File Pretrial Order

4 **April 20, 2011**
(currently February 11, 2011)

5 DATED this 22nd day of November, 2010.

6 FENNEMORE CRAIG, P.C.

7
8 JOLLEY URGA WIRTH WOODBURY &
9 STANDISH

10 By: /s/ David W. Dachelet

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16 By: : /s/ Mindy C. Fisher

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22 Attorneys for Defendants/Counterclaimants
23 FRANK NIELSEN, ROBERT H.
24 SCHULMAN, LAWRENCE J.
25 WINNERMAN, SANFORD B.
26 WINNERMAN, and WW CENTENNIAL
27 HILLS, LLC

28 **ORDER**

1 IT IS SO ORDERED.

2 DATED this 24th day of November, 2010.

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4 **UNITED STATES MAGISTRATE JUDGE**